2.

A LETTER OF RESOLUTION TO A FRIEND, Concerning the MARRIAGE OF Coulin Germans;

By JOHN TURNER late Fellow of *Christs-Colledge* in *Cambridge*.

Cùm opulenti loquuntur pariter atque ignobiles, eadem dicta, eademque oratio æqua non æquè valet.

LONDON,

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To the Reader.

I Am very ſorry if the late Diſcourſe which I have publiſhed concerning the Laws of Nature, and the Reaſons of their Obligation have given offence to any good or learned Man; but that Sorrow is not a Sorrow of Repentance, but of real trouble and concern for them that ſuffer themſelves to be ſo far carried away by prejudice and preconceived Opinion, that they will not give Entertainment to thoſe Principles that are the Eternal Pillars upon which Nature ſtands, and the only true grounds of Duty and Obligation, to which all particular Inſtances being brought for tryal, it will be impoſſible, that either Popery, Enthuſiaſm, or Atheiſm ſhould obtain, but where thoſe Principles are not believed, and he that ſubſtitutes any other crabbed, Scholaſtick, and unintelligible words, inſtead of things and notions, in their place, does but give a manifeſt Advantage to all three, let him pretend to never ſo great Learning, Piety, or Zeal.

Yet notwithſtanding the clearneſs and irrefragable Demonſtration of what I have written, that I may give the World all poſſible ſatisfaction, I ſhall ſend another Diſcourſe upon the ſame Subject, to the Preſs, by which the ſame thing will be ſtill more fully, though I cannot ſay more evidently, made out, that Intereſt underſtood in that Latitude in which I have explained it, is the only true Principle, and the only intelligible ground of Obligation, and that all men may be ſatisfied, that I am no Changling, and that theſe are not thoughts taken up of a ſudden, or as may be ſuſpected by ſome, deſigned only to ſerve a preſent turn, I muſt let them know, that the much greater part of this ſame ſecond Diſcourſe, for ſo it is in the Order of Publication, was written full two years ago, and as much as ſince Auguſt *laſt, and it was then written with the ſame Deſign to prove the unlawfulneſs of the Marriage of* Couſin Germans, *as will appear by the Diſcourſe it ſelf, and as is well known to ſome of my Friends both in the Colledge, and out of it.*

Neither indeed is this notion ſo new, as ſome may think it, it is as old as David's *time; and he that was a Prophet, as well as a King,* a man after Gods own heart, *as he is called in Scripture, and a man that by*

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great variety of Fortune and Events, could not chuſe but have a deep inſight into humane affairs, he lays down this as a never-failing Rule, [a]Pſal. 49. 18. Men will praiſe thee when thou doſt well to thy ſelf; *which I think is only to ſay in other words as I do, that Self-Intereſt in its true latitude, and moſt Philoſophical ſenſe, is the root of Obligation. And we may add to what the* Pſalmiſt *hath ſaid, that men will not only praiſe him, but he ſhall have praiſe of God, as well as men, and that God will not only praiſe, but ſave him into the bargain; for Salvation is not annexed to* intellectual Syſtems, *and vain Imaginations of* Platonick *Haughtineſs, and* Metaphyſical *Pride, but to a judicious and prudent Converſation; for ſo the ſame Prince of Prophets and of Poets tells us in the very next* Pſalm, *where it is God himſelf ſpeaks by a Poetical* Προσωποποια *very frequently to be met with in that admirable Book,* Pſal. 50. 23. Whoſo offereth me praiſe, glorifieth me, and to him that ordereth his Converſation aright, will I ſhew the Salvation of God.

And now having done ſo great a Service to Loyalty and Religion, to this Age, and to all that are hereafter to come, by ſetling the Principles of Human Life, and Practice upon their true Foundation, for the perpetual En-

couragement and Support of Truth and Juſtice, and to the indelible Reproach and ſhame of Schiſm, and Hereſie, and Hypocriſie, and Lewdneſs, and every evil Work; a Service which Envy cannot blaſt, nor Time deſtroy; I could be glad to dye with all my heart, and to go the next way out of a troubleſome and vexatious World; and I would ſing as I was going, with Reverence be it ſpoken, though in another Senſe then that in which old Simeon *underſtood it; I ſay, I would ſing as I was mounting to the milky way, where the Spirits of Juſt men have their Eternal Reſt:* Lord, now letteſt thou thy Servant depart in Peace, according to thy word, for mine Eyes have ſeen thy Salvation which thou haſt prepared before the face of all People, to be a Light to lighten the Gentiles, and to be the Glory of thy People *Iſrael.*

Luke 2. 29, 30, 31, 32.

And as Peter Ramus, *who by* Popiſh *Cruelty, had an unfortunate end, did in his Life time wiſh, that it might be written upon his Tomb, That there lay the Author of that Excellent* Logick, *that goes under his Name; ſo when I dye, I make it my Requeſt, if I be not in a Condition to be at the the Charge of a Monument for my ſelf, that by the Kindneſs of ſome Friend or other, theſe following Lines may be graven upon the Tomb of an unfortunate man.*

Hic

Hic jacet Humani Divinique juris,
Interpres, Vindex, Aſſertor, Propugnator,
Vis nomen hominis? nomen illi quondam
Joanni Turnero fuit,
Nunc umbra vocatur & cinis,
Et quicquid eſt uſpiam recrementitiæ rei.
Valebis & molliter, molliter calcabis,
Et humanæ miſertus, hoc eſt, tuæ ſortis,
Arentem temperabis lachrymâ favillam.

But enough of this Melancholy, this dying talk, but you will ſay, parturiunt Montes, naſcitur Mus. *You told us of a Book, and now you think to put us off with a Letter; but, pray good Reader, have a little Patience, and you ſhall have the Book too; but why a Letter? you will ſay: to which I anſwer, and plead the benefit of the Clergy, whoſe cuſtom it hath been for theſe twenty years laſt paſt, whenever they are big with notion, to diſburden and deliver themſelves of the* Theological Minerva *in a Letter to a Friend; beſides, that being ſo ſmall a thing, it would not have look'd decently in any other ſhape, than that of an Epiſtle; and I deſigned only in this ſhort Eſſay, to apply with all the clearneſs and brevity I could, my Notion of the Laws of Nature to the particular Caſe of* Couſin Germans, *and I hope I have done it*

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so as to satisfie all scruples, and to leave no ground for any the least inconveniency by preventing such Marriages for the future, which does not at all affect or prejudice what is past already; nay, I have stated the whole case with so much clearness, and by so uniform a Principle running through all the particular instances that concern it, that I desire no Favour or allowance from any, only let him ask himself the Question as he reads along, whether the Marriage of Cousin Germans *in ordinary cases, and that is in all cases, but where there is a publick Interest that it should be allowed, be not against the Interest of Mankind? Let him likewise demand of himself, whether it be not highly reasonable, nay, necessary to the publick Peace, that all such Marriages already consummate by the* Copula Carnalis, *should be good and valid, nay, and looked upon with as favourable and kind an aspect as any other Marriages whatsoever. Lastly, let him seriously examine what his own Thoughts would answer, if the question were proposed, whether it were not highly for the Interest of the Publick, that a Prince in either of the two Cases I have mentioned, should be allowed to Marry a* Cousin German? *I say, let every man ask himself these Questions, and I doubt not, but the Answer he will give himself, will be very propitious*

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and favourable to me; and he will acknowledge of his own accord, that I have not ſtrained my Principle further than it will go, he will ſee plainly, that it will go ſo far, whether I will or no; and that neither he, nor I can drive it any farther.

If you ſtill urge me further, to whom is this wonderful buſineſs of a Letter? Though I am not obliged to anſwer all the Queſtions that all the World ſhall ask me, yet, Reader, becauſe I have heard a good Character of you for a civil Perſon, and you are ſaid to go in the Countrey where you live, for a very Candid, Chriſtian, Courteous and Gentle Thing; therefore I will tell you under the Seal of Confeſſion, that it was for your ſelf the Letter was intended, but I did not know your Name; and they ſay, as honeſt as you are, you have a great many; therefore I was forced to Print my Letter, that it might be ſure to come to your hands.

But this is not the Diſh it ſelf which I intend you, it is at beſt no more than a Sop in the Pan, which hath the reliſh and ſavour of the Meat, and by which you may give no very uncertain gueſs, what ſort of Entertainment you are hereafter to expect, for I have already lying by me a great many Sheets of Paper to which I ſhall add a great deal more, chiefly upon the Subject of the Levitical

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Degrees, which cannot be publiſhed ſoon enough to ſatisfie the Impatience of the publick Expectation; and when it does come out, yet by reaſon of much Antiquity, and many laborious, though very clear Conſequences that will be in it, it will not be fitted to the Capacity of ordinary Readers, and therefore I choſe rather to ſay in ſhort, as much as was ſufficient to make out the point, (for one Demonſtration is as good as a Thouſand) and to do it with that plainneſs both of Expreſſion and Thought, that every man might be his own Judge in a Caſe wherein almoſt every man may poſſibly be concerned.

Beſides that great alterations can no more be made of a ſudden in the Minds of Men, than they can in the Cuſtoms or Manners of a Nation; and if it were ſo hard a matter to perſwade the Iriſh *not to draw the Plough by the tails of their Horſes, much more will it be difficult to conquer the received Opinion of the Lawfulneſs of the Marriage of* Couſin Germans, *wherein ſo powerful an Intereſt is engaged, and which being once unſetled and overthrown, puts a new Bar to the Concupiſcence of men, which of all other Paſſions is the hardeſt to be reſtrained.*

Therefore I intend to contrive the matter, ſo that the World may ſwallow it by degrees, and that it may make its Impreſſions by as

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gentle Motions as those by which the Prayers of the Devout are sometimes found to leave the Marks of their Knees upon the Stone or Marble, a sort of Impression, which, though it be made but slowly, yet it lasts for ever; and when it is once made, it improves and grows deeper every day than other, melted and entreated into softness by Devotion, but never decays, and much less fills up any more. However, though my chief Design in this Paper with which I now present you, was to remove the Prejudices that lye against my undertaking, and to apply the general Notion of the Laws of Nature to this Particular Case; yet because it will be expected, to shew that such Marriages come within the Statute, that I should demonstrate their unlawfulness by the Levitical *Measures; therefore this I have taken care very briefly to do, by considering the Case of the Daughters of* Zelophehad, *to which, though in my other Papers, I have spoken very largely, yet I have said enough in these to prove by unanswerable force of Scripture and of Reason, that all such Marriages were* Levitically *unlawful; and this, if it may be allowed to pass the Pikes of prejudice and private Interest that will be sure to oppose it, it will give me encouragement very speedily to publish what remains, but at present my Engagements are*

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ſo deep, and of ſo many Kinds, there being another Piece now in the Preſs, which is very importunate with me to let it go abroad, that I muſt be forced for a fortnight or thereabouts to give my Attendance upon it, and I ſuppoſe in that time it will be as perfect as any thing can be expected from ſo imperfect an hand; and I do the rather divert my ſelf to that, becauſe it is upon an Argument very nighly related to this, the thorough underſtanding of which, will afford great ſtrength, as well as light and clearneſs to it.

I ſhall conclude with a repeated Profeſſion of my acting in this whole affair, upon a Principle of Conſcience, which, whatever perſonal failings I may have been guilty of, hath always been the meaſure of my Behaviour with reſpect to others, to the truth of which as my whole life which affords many great Examples, in a ſmall Fortune, of no ſmall Juſtice, Integrity and Honour, is one continual Witneſs, ſo the reflecting upon the conſtancy and ſteadineſs of my Temper in the midſt of dangers on the one ſide, and Temptations on the other, hath frequently afforded me no ſmall matter of Comfort, and given me mighty encouragements from the Satisfaction which it ſelf affords, to perſevere to the end in a conſtant Adherence to Loyalty, Juſtice and Truth, let my Condition in the

outward view of those that judge by appearances, be never so calamitous or unfortunate.

For I always considered, that the seat of Happiness or Misery is in the mind, and therefore if that be well, all is right, let things appear how they will; and as I have honestly endeavoured many a time, when I have wounded my Conscience by transgressing the Rules of Virtue or good manners to lick my self whole by Repentance, and arm my self with greater Vigilance and Resolution for the Future, so I shall seriously and earnestly perswade you, my Reader, of whom, though I tell you I have heard a good Character, yet good News proves oftener to be false, than true, that if you are a bad man, you would reflect considerately and coolly with your self upon the Folly and Unreasonableness of sin, and set upon a speedy and effectual Reformation; but if you are that good man I take you to be, continue as you are, you will find the Comfort of it in all your concerns; God will bless, and men will praise you, your Affairs will be prosperous, and your Bones fat, and your Heart merry, you will not be afraid of the Terrours by night, nor of the Arrows that fly abroad by day; you will have a perpetual Calm of Joy and Peace attending upon your Person, and a Security which no Fears can shake,

ſhake, will entrench and encamp it ſelf round about your Habitation; it will be the beſt Comforter in your Sickneſs, the beſt Preparation for Death, and the beſt Advocate at the day of Judgment; therefore in the Name of God, and for the ſake of our ſelves, let us lay aſide all Perſonal and all Political Vices, and let us heartily repent us of our ſins, and be in perfect Charity with one another.

Farewel.

A Letter of Reſolution to a Friend concerning the Marriage of *Couſin Germans*.

SIR,

I Have received ſo many Teſtimonies of Kindneſs from you, that I cannot believe otherwiſe, but the Advice you give me, not to trouble the World with the Diſcourſe I have promiſed of the Marriage of *Couſin Germans*, with which you are pleaſed to ſay, I have threatned the Nation, and am like to make a Diſturbance in it, proceeds from the ſame cauſe likewiſe, your continued Goodneſs and Affection to me; but I aſſure you, I am ſo far from having any turbulent or unquiet Projects in my Head, that a natural Inclination to all the greateſt Inſtances of Peace and Friendſhip, is a thing ſo eſſential to my Conſtitution, that I cannot take ſo much as a juſt and neceſſary Revenge without a

great deal of real Trouble and Affliction to my ſelf, much leſs would I give any the leaſt Occaſion of Diſpleaſure to thoſe from whom I never received the leaſt Diſobligation; and you cannot but imagine, that I am a *Couſin German* my ſelf to ſome body or other, and therefore have no reaſon to be angry with the Name, unleſs I have a mind to write Books againſt my ſelf, as Mr. *Baxter* does; but yet after all, I ſee no Reaſon to deſiſt from my undertaking, and that it may not be thought that what I do, is the effect only of an obſtinate and wayward humour without Reaſon; therefore I hold my ſelf obliged to give you all the Satisfaction which the narrow bounds of a Letter will allow.

I am very ſenſible what a mighty torrent of prejudice I am to ſtemm, and that not only from the Diſpleaſure of thoſe, who are themſelves engaged in Marriages of this Nature, or are deſcended from ſuch as have been ſo, but alſo from this, that all the Learned men that have written, do generally determine contrary to me, inſomuch, that even the *Lutheran* Churches themſelves, which to avoid ſcandal, do not allow the Practice of it, yet it is the received Opinion of all their Divines, that all ſuch Marriages are lawful; but, *Sir*, if a man muſt

muſt never ſtand up in the defence of Truth, when there is an Intereſt engaged againſt it; and if this had always been the Practice of the World, then no vulgar Error could ever have been corrected, nor any faſhionable or cuſtomary Vice reproved. If this were a Rule univerſally to be obſerved, then our Saviour ſhould not have come into the World, whoſe whole life after he entred upon the Adminiſtration of his Prophetical Office, which he did about four Years before his Crucifixion, was a perpetual Combat with the Prejudices, and the Paſſions, and the falſe Notions of men. And, *Sir*, the Vindication of that Truth which I pretend to maintain, being, as I think, of ſo manifeſt and undeniable Conſequence to the Peace of the World, which was the great Deſign of our Saviours appearance upon Earth, and of all the Doctrines which he delivered, there is ſome Analogy; with all humble Reverence and Duty, be it ſpoken, betwixt the Caſe of my great Lord and Maſter (the Author and Finiſher of our common Faith) and mine; for I am ſent on his Errant by the Appointment of the Church, which hath thought fit to impreſs the Prieſtly Character upon me, as he was on the Fathers; and the ſame Meſſage is common to us both, to exhort people to

love and be helpful to one another, and to perſwade to the conſtant Practice of thoſe Duties, which make both for Temporal and Eternal Peace.

If Prejudices, which will always be ſtrong againſt every Undertaking that is but new and bold, were a ſufficient Argument why men ſhould not attempt them, then the Reformation ſhould never have been begun, the *Copernican Hypotheſis*, and the *Carteſian* Philoſophy ſhould never have been communicated to the World; the *Antipodes* to this day would have remained as great an Hereſie, as it was in thoſe times of Ignorance and Darkneſs, when a Biſhop was removed from his Office and Dignity for aſſerting it; the Circulation of the Blood would have been as great a Secret now, as it was before *Solomons* time, whom one Learned Author more Ingenious than Wiſe, would have to have been the Inventor of it; or as it hath been ever ſince till our late Famous Doctor *Harvey* diſcovered it; if this Principle were always to be followed, *Columbus* had left a new World undeſcryed; nay, if this Principle were the general meaſure of Action, that a man muſt never ſpeak, but in the common Road, and as the Prejudices or the preſent Intereſts of particular perſons would have him, then no man ſhould dare to oppoſe a Faction, though

though in defence of his King, his Countrey, or the Church; and ſtill the more dangerous that Faction is, the more preſſing is this Argument which is drawn from the Prejudices or the Paſſions of men upon us, to let them alone. But, *Sir*, we are not to be pleaſers of men, but of God; and we are to tread in the ſteps of the Captain of our Salvation, who through much Tribulation, and through Death it ſelf, the moſt painful and ignominious Death that Human Nature was capable of enduring, led us the way to Heaven; and who hath commanded us to do our Duty with Chearfulneſs and Courage, without either Fear or Favour, whatever the Event and Conſequence of it be; *The Diſciple*, ſaid he, *is not above his Maſter, nor the Servant above his Lord: It is enough for the Diſciple that he be as his Maſter, and the Servant as his Lord: Fear them not therefore: but what I tell you in Darkneſs, that ſpeak ye in Light: and what ye hear in the Ear, that preach ye upon the Houſe-tops.* And if this were our Saviours Injunction to his Diſciples, Twelve Poor and Inconſiderable men of no Intereſt or Reputation in the World, and againſt whom the Intereſt of the whole World was engaged, if they notwithſtanding all the Diſcouragements, and all the Dangers they

Matth. 10. 24, 25, 26, 27.

met with, did yet, for all that, perſiſt in the defence of that Cauſe which they had undertaken; and did not only fight the good Fight of Faith, but after having received many heavy Stroaks and grievous Wounds, died manfully upon the Spot, and in the Field, as became true Soldiers of that heavenly Warfare; how much more are we obliged, when we have not ſuch Difficulties, or ſuch Dangers to encounter with, to imitate ſo brave, and ſo bleſſed an Example? And what a ſhame would it be, when they have ſhewn us the way through ſo many Tribulations into the Joys and Glories of the other World, if we ſhould be afraid, when it is for the Publick Good, and for the Peace of Mankind, that *Couſin Germans* ſhould not Marry, to oppoſe ſo ſmall an Intereſt as will be found upon Examination to be engaged for it?

But yet after all, it is very ſtrange, that there ſhould be any Prejudices upon this account, becauſe ſo many are engaged to one another in the Band of Matrimony, who ſtand related in the Degree of *Couſin Germans*, or at leaſt, that they ſhould be ſo prejudiced, as that this Prejudice of theirs ſhould be incurable, when the Principles I have laid down are ſuch, that they ſerve every whit as well to confirm the Marriages already

already conſummate by bodily Knowledge, as to prevent thoſe which are not yet entered into, or thoſe which being ſolemnized in the face of the Church, have not yet received their final Conſummation; the Reaſon is this. It is for the Intereſt of Mankind, that Friendſhips ſhould be ſpread as far as may be, and that the Concerns and Intereſts of many men ſhould be as much as may be, perplexed and entangled into one another, that ſo the ſame common Hopes, and Fears, and Ends, and Deſires, may produce an Harmony in Affection, and a common Band of Unity and Peace; and I ſhall make it appear evidently to the World in a very little time, that the *Amorites* were not only deſtroyed by a Supernatural Judgment, but by this natural Cauſe and Reaſon alſo, that being ſo guilty as they were of inceſtuous Copulations, their Friendſhips and their Intereſts were confined within ſo ſmall a compaſs, and they were ſo divided among themſelves, that they became an eaſie Prey to the Conqueror, and were divided into ſo many petty Principalities, each of which was no better than one pretty large Family; that what was ſaid of the *Britains*, when *Cæſar* made a deſcent upon this Iſland with his victorious Legions, was true, of them; *Dum ſinguli pugnant, univerſi*

universi vincuntur; and I desire it may be considered, if, as the *Amorites* were used always to Marry within so narrow a compass, which was the true reason of all those petty Principalities in ancient times, when *Abraham* with his one Family was not only called a Confederate of four Kings, but as appears by the event of the story, was in power and strength superior to Five, and yet could not muster above three hundred men; I say, if as the *Amorites* and other ancient Nations were used to Marry within these narrow limits, so now it should be the universal Practice for all men to Marry no farther off than *Cousin Germans*, or second *Cousins*, it is very easie to perceive how this would untie the straitest Bands of Human Society, which begin in Generation, and are propagated first by Consanguinity, and then by Marriage; neither are there any Friendships so trusty, nor any Interests in the common Practice of the World that may so safely be relied upon, as those which depend by Consanguinity upon Obligations of Nature, or by Affinity upon the Matrimonial Contract; and if we should suppose all Families to marry within themselves, he must be blind that cannot see, that there would be almost so many divided and disagreeing Interests in the World,

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and that there would be no end of Eternal Feuds and Quarrels between one *Clan* or Head of a Family and his Dependants, and another; whereas, if you mix theſe Families together, ſo as ſuppoſe there be twenty Perſons allyed to one another in the Degree of *Couſin Germans* belonging to two ſeveral Families, Ten of each, they ſhall marry the Ten Males into Ten new Families with which they had no Conſanguinity or Affinity before, and the Ten Females likewiſe into Ten others, and if you take in the external Dependances by Trade, or Friendſhip, or Obligation of all theſe two and twenty Families, it is manifeſt, that here muſt needs be a very great, nay, an almoſt incredible Advantage given to Friendſhip and Society among men, whereas on the contrary, if theſe Twenty perſons ſhall intermarry with one another, being ſuppoſed to be *Couſin Germans*, they acquire no new Intereſt or Dependance by this Marriage; and as being *Couſin Germans*, being removed only by their immediate reſpective Parents from the common head of the Family, this is a joyning the very firſt partings of Nature, and a return into the common Parent by thoſe who are ſo nearly related by Conſanguinity to him, that all that can be truly affirmed

of

of their diſtance, is, that they are not immediately deſcended from his Loyns.

And this, inſtead of begetting Love in the World, does in reality produce Hatred; for when there is ſo good Reaſon why they ſhould Marry farther off, and ſo plain a natural Demonſtration, that it is exceedingly to the Prejudice of Mankind for them to intermarry with one another, if after this they ſhall yet notwithſtanding do it, this looks exactly as if it were ſome Grudge or averſion which they have taken inwardly againſt all other Kindreds or Families, but their own; and whoever will give himſelf the leiſure of revolving in his mind, not only the ſtrength of this Demonſtration, which is unanſwerable, but alſo the Proportion in which the Marriage of *Couſin Germans* is prejudicial to Mankind, will manifeſtly diſcern, that it is naturally unlawful, if that be the true meaſure of the Laws of Nature, which I have aſſigned, that they are all founded in the Intereſt of Mankind; and at leaſt thus much muſt of neceſſity be granted, that it hath the ſame Reaſon of being forbidden, for which all Human Laws do forbid any thing in the World; for theſe Laws in all their Prohibitions, as well as in whatſoever they command, do conſider nothing but the Intereſt of Human Society, and

and the Welfare of thoſe people that are to obey.

Philo Judæus in his Excellent Treatiſe *de Legibus ſpecialibus* founds all the Prohibitions of the Law of *Moſes* upon the Intereſt of Human Society; and ſo does the Civil Law of *Rome*, as may be ſeen in the Inſtitutes of *Juſtinian*, and in the Digeſts themſelves under the Title *de Ritu Nuptiarum*, as I could prove more largely, if brevity were not the thing at which I now aim; and for this Reaſon, as well by the *Jewiſh*, as the *Roman* Law, the latter of which I can evidently prove, as to theſe Caſes, was borrowed from the former, as hath already been taken notice by Mr. *Selden* and other Learned men, and as it might eaſily be proved by a particular induction; I ſay, as well by the *Jewiſh*, as the *Roman* Law, Affinities were forbidden to the ſame Degrees, that Conſanguinities were, and the *Roman* Laws were ſo tender, which I believe was likewiſe borrowed from the *Jews*, for they had likewiſe ſuch a thing as Adoption among them, that an adoptive Child was looked upon as a real one, and a man could no more Marry his adoptive Daughter than his own; the Reaſon was, becauſe by Adoption and Affinity men were taken into that Family into which they

were

were adopted, or to which they were allyed by Marriage, and ſo they were all looked upon as Confederates one with another, and therefore for the Intereſt of Human Society, and for the enlarging of Friendſhips among men; it was more reaſonable that they ſhould ſeek abroad for new Dependances and new Relations, than that they ſhould intermarry at home with one another; and by that means ſhut up their Intereſt in a more narrow compaſs, when it was capable of being farther ſpread to the great Benefit and Advantage of Human Life.

It is likewiſe further to be obſerved in this caſe, that the *Egyptians*, though otherwiſe a people hated by God, or at leaſt forſaken and abandon'd by him, though the Divine Nature be in it ſelf impaſſible, are no where charged with any inceſtuous Crime, no more are the *Philiſtines* or *Moabites*, or the Sons of *Ammon*, or of *Amalek*, the *Tyrians*, or the *Sidonians*; and it is well known, that all theſe were potent and formidable Nations, whereas the *Amorites* by confining their Intereſts within ſo ſmall a compaſs, were a Prey to their Enemies, and to one another; and I can further make it unqueſtionably appear out of *Æſchylus* his *Ixionds*, That the Marriage of *Couſin Germans* was generally held to be unlawful and deteſtable all over the Eaſt. If

If you demand further of me, how far theſe Prohibitions extended? I anſwer, that as it was for the Intereſt of Mankind, that new Friendſhips ſhould be made by Marriage, ſo likewiſe both Gratitude and Intereſt would require, that the old ones ſhould not be forgotten, and that this was the Practice of the ancient Mortals, appears from a Paſſage of St *Auſtine* in his *de Civitate Dei*: L. 15. c. 16 *Fuit antiquis patribus religioſæ curæ, nè ipſa propinquitas ſe paulatim propaginum ordinibus dirimens, longiùs abiret, ac propinquitas eſſe deſiſteret, eam nondum longè poſitam rurſus Matrimonii vinculo colligare & quodammodo revocare fugientem.* And if you ſhall ſtill further continue to demand, what the true Barrier and Boundary of theſe Prohibitions was? I anſwer, That it was Second *Couſins*, who were called by the *Latines*, *Sobrini quaſi Sororini* or *Sororum filii*, to intimate, that ſo far they were looked upon as Brothers and Siſters, and were prohibited to Marry with one another, as I ſhall make it in due time undeniably to appear, by comparing the *Capitulars* of *Charlemagne* which are now Eight Hundred years old, with the Laws of the Ancient *Wiſigothſ*, and with the Practice of the *Jews* and *Romans*.

But

But though the Prohibition were extended generally thus far over all the East, yet it was more obligatory to the *Jews* than to any other Nations, because being forbidden Commerce with any of the idolatrous Nations, and being always at enmity with them. they had the more need of a strict Friendship and good Understanding between themselves; and if the Obligation were so strict to the *Jews*, it is still more so to all Christian people, because the Design of the Gospel is Peace, and the Improvement of Charity and good Nature among men; but it is still of the greatest and most indispensable Obligation of all to this part of Christendom, and to these unhappy times into which we are fallen, wherein almost every man is at Enmity with his Neighbour; that for the composing mens minds, and for the allaying their Animosities by the Caresses of Love, men should Marry at a good Distance from themselves into a new Interest, and a new Dependance, and that the several Parties and Factions should intermarry with one another, which added to a vigorous Execution of the Laws with a constant and impartial Justice by the Civil Power, is probably the only way to allay our Heats and Divisions, and to bring us all to a more charitable Sense and Understanding of one ano-

another. And I am humbly of Opinion, that among all the wiſe Laws by which the *Roman* State was governed, and was by degrees brought to that heighth of Greatneſs and of Power, there was none that contributed ſo largely to that effect, as that Law which was paſſed by the great Wiſdom and Policy of one of the Tribunes, *de Maritandis Ordinibus*, whereby the *Patricii* and the *Plebeii*, who were before at Mortal Jarrs, were made intermarriageable with one another, which was a very natural Expedient of calming and compoſing the Diſturbances, which the Animoſities and mutual Reſentments of the two Factions had created. And I do further propoſe it to your moſt ſerious and impartial Conſideration, that it would have been impoſſible the *Roman* Empire ſhould ever have arrived at that greatneſs, that it ſhould ever have been ſo ſtrong, and ſo compacted at home, or ſo formidable abroad, had not theſe Matrimonial Prohibitions been eſtabliſhed by their Laws and Cuſtoms, to make the Cement of Society more ſtrong and laſting; ſo that ſince I have already laid it down as a certain Truth, that the Prohibitions among the *Jews* and *Romans* were the ſame, all the Queſtion is, Whether *Couſin Germans* were included in the *Roman* Prohibition, which

which I will prove they were, out of a Paſſage in *Plutarch* in his *Queſtiones Romanæ*, and out of a Fragment of *Ulpian* publiſhed by *Pythæus*, in the Author of the Collations of the *Moſaic* and *Roman* Laws, and out of the Digeſts of *Juſtinian*, under the Title *de Ritu Nuptiarum*, and that this Prohibition extended ſtill further to Second *Couſins*, I will make it very highly probable from a Paſſage in *Athenæus*.

There are other natural Reaſons, which may be aſſigned why the Marriage of *Couſin Germans* is unlawful, and which I do now purpoſely omit, that I may not detain you too long from your Occaſions; but yet however ſince the main Reaſon, and ſince all the Reaſons that can be aſſigned, are founded in the Intereſt of Human Society, it is as much for that Intereſt, that all the Marriages of this Nature already conſummate by carnal Knowledge, ſhould ſtand good and indiſſoluble, as that all ſuch Marriages ſhould, *de futuro*, be hindred; nay, rather more, becauſe the Inconveniency which the Diſſolution of ſuch Marriages would produce, would be ſo ſuddain and ſo preſent, as well as ſo great, by branding ſo many Families or their Deſcendents with ignominious Names, and by puniſhing them with other legal Inconveniences to the infinite

finite Detriment and Confuſion of the Civil State; whereas, as to the time to come, theſe Marriages having had their ultimate and final Conſummation in the Bed, are valid upon the ſame Reaſons for which they were naturally prohibited before, which natural Inconveniency not having been compured by the Parties concerned; nay more, they having been told by all the Lawyers and Divines, That it was Lawful, certainly men that have not leiſure to make a particular enquiry themſelves, may very well be excuſed; and they are ſo far from having any need to bluſh, that they have done nothing, but what any honeſt and good man in the ſame Circumſtances would have done; neither do I ſo much blame the Divines, nor the Lawyers neither, who in ſuch Caſes are uſed to follow one another; and the opinion of one great man, as, *humanum eſt errare*, is uſually the meaſure by which they all proceed; beſides that, they are therefore alſo the more to be excuſed, becauſe what they have determined in this Caſe, was out of Charity and good Will, that they might not create Diſturbance (though that according to theſe Principles they need not have done) in the Commonwealth, and becauſe they went upon that

Principle, of (a) *Gajus* in the Civil Law, *ſemper in dubiis benigniora præferenda ſunt*, and of (b) *Paulus* l. 16. *ad Plautium*, *Libertas omnibus rebus favorabilior eſt*; and of (c) *Marcellus* l. 29. *Digeſtorum. In re dubiâ benigniorem interpretationem ſequi non minus juſtius eſt quam tutius*; who likewiſe tells us in another place, *in obſcurâ voluntate manumittentis favendum eſt Libertati* (d). The meaning of all which, is plainly this, That the Nature and Deſign of all Laws, being to put a reſtraint upon human Liberty, they are conſtantly to be expounded in the moſt favourable ſenſe, becauſe to do otherwiſe, would be to put a greater Reſtraint upon thoſe, to whom the Law was given, then was perhaps intended by the Lawgiver himſelf; and if men from the plain and unavoidable Signification of Words, will have recourſe to what they may poſſibly ſignifie, or to the poſſible intention of the Law-maker in them; this poſſibility of Intention or Interpretation, is a thing of ſo great Latitude, as makes the Signification of every Law uncertain, and conſequently under pretence of laying a greater Obligation upon men, it leaves them under none at all.

(a) C. Tit. de Reg. jur. 56. & 122.
(b) Ib. 179.
(c) Ib. 192.
(d) Ib. 183.

But

But I do humbly conceive, that in this caſe theſe Rules are not concerned: Firſt, becauſe it is by no means a doubtful Caſe, for I offer to demonſtrate as plainly as Demonſtration it ſelf, That *Couſin Germans* were included within the *Levitical* Degrees; and only to mention that Caſe now, becauſe I cannot ſtay to inſiſt ſo long upon it, as I intend to do hereafter, I affirm that the Inſtance of the Daughters of *Zelophehad* does ſufficiently prove it.

For that being a Diſpenſation in a particular Caſe it is manifeſt, that no particular Diſpenſation ought in its Conſequence to be extended further, than the reaſon for which it was procured, which being only for the better Preſervation of the *Moſaical* Partition of Inheritances in the ſame Family and Line, it cannot be lawful in thoſe places where the ſame ſort of Partition, together with a Deſign to preſerve it to Poſterity, does not obtain; and this is a Rule of *Ulpian*, *quæ propter neceſſitatem recepta ſunt, non debent in argumentum trahi*; and it is likewiſe another common ſaying among the Lawyers, *exceptio firmat regulam in non exceptis*; ſo that this being a Diſpenſation in a particular Caſe, it is manifeſt, that it ought not to be extended further than

that particular exigence for which it was procured.

Beſides that had it been Lawful before, being ſo expedient as it was for the Preſervation of the *Moſaical* Partition, which was the Deſign of ſo many Laws, that againſt Uſury eſpecially, and that about the Return of the Land, in caſe of Mortgage, at the year of *Jubilee*, upon which Laws I cannot now ſtay to inſiſt; and yet for all this, *Moſes* and the Elders not daring to determine this Caſe without applying themſelves immediately to God himſelf, nor preſuming to act otherwiſe, than by Divine Inſpiration, this is a Demonſtration that it was a new caſe, and that it was not lawful before; for that which was not only lawful in it ſelf, but alſo expedient, nay, neceſſary to the great end of ſo many of the *Jewiſh* Laws, which was to preſerve the Inheritances in their proper Houſe and Line, might certainly have been done either by the private choice of the Parties without conſulting *Moſes*, and much more by the Authority of *Moſes* and the Elders themſelves, without conſulting the voice of God; which, ſince they did not do, this is the moſt Emphatical, and the moſt remarkable way that could have been

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contrived to ſhew us the Unlawfulneſs of the Marriage of *Couſin Germans* in all ordinary Caſes, but only in this which was peculiar to the *Jewiſh* State, unleſs you will except the Laws of *Athens*, which took their Copy from thence; and where the ſame Laws were obſerved, and for the ſame Reaſon, as I have proved more largely in ſome other Papers which are now in the Preſs.

Further, the play of *Æſchylus*, which I have mention'd, I will prove to all the World to have taken its Plot from this Story of *Zelophehad* and his Daughters, and there the Poet making only a Fiction of the caſe, and ſuppoſing the Father to be alive, who in the Writings of *Moſes*, and in the truth of the Story, was dead, hath contrived the Buſineſs ſo, that his whole Tragedy is but one continued Declamation againſt the Marriage of *Couſin Germans*, διὰ τὸ μὴ τεθνάναι τὸν πατέρα, *becauſe the Father was not yet deceaſed*, as the *Scholiaſt* upon that Author does expreſly ſay.

Laſtly, when it is made lawful by the Law of *Moſes*, for the Brother to raiſe up Seed unto the Brother, nay, not only lawful but a Duty, in caſe the elder Brother died without Iſſue, ſhall we from thence infer, that it was lawful in all other caſes beſides,

ſides, notwithſtanding it is expreſly prohibited in the Eighteenth of *Leviticus*? And if a particular Diſpenſation muſt not be extended in one caſe beyond the reaſon for which it was procured, why ſhould it in another? when, beſides that ſuch Marriages are forbidden in *Leviticus*, the general reaſon why it ought not to be extended to any other caſe, is this, that a particular Diſpenſation is in its own nature diſtinguiſhed from a general Licence, and to extend any Grant further than the reaſon for which it was obtained, is to ſay, in effect, That it was obtained for ſuch a reaſon, and it was not obtained for ſuch a reaſon at the ſame time, which is a Contradiction. And this, beſides the reaſon of the thing, and the Opinions of the greateſt Lawyers among the *Romans*, which have been already produced, is ſtill further confirmed by the Authority of St. *Ambroſe* in his Epiſtle to *Paternus*, where ſpeaking of *Theodoſius* his Prohibition of the Marriage of *Couſin Germans*, who yet reſerved to himſelf a Power of diſpenſing in particular Caſes, as *Theodoric* did afterwards, as may be ſeen by the Form of the Imperial Diſpenſation in *Caſſiodorus*, he hath theſe words: *Sed dicis alicui relaxatum, verum hoc Legi non præjudicat, quod*

quod enim in commune ſtatuitur, ei tantum proficit cui relaxatum videtur.

But I foreſee you will object, that the Prohibition of *Couſin Germans* is not expreſly ſet down in the Eighteenth of *Leviticus*, as that of the Brothers Marrying the Brothers Wife, in any but the caſe excepted, is; to which I anſwer,

Firſt, that whether this Prohibition were poſitively ſet down in *Leviticus* or no, yet this hinders not, but the Lawyers Rule concerning Diſpenſations, *quæ propter neceſſitatem recepta ſunt, non debent in Argumentum trahi*, may, and ought to take place in this, as well as in any other Inſtance whatſoever. But ſecondly, I do humbly propoſe it as an undeniable Truth, That the Marriage of *Couſin Germans* is expreſly prohibited in *Leviticus* it ſelf; but if, when I ſay expreſly, men will needs underſtand it of ſome one word that does, without a *Periphraſis*, ſignifie a *Couſin German*; this is not to be expected, becauſe there is no ſuch word in *Hebrew*, neither does ארוה ſignifie in its firſt notion properly a *Couſin German*, but in general, any, whom by reaſon of too near Conſanguinity, it is not lawful to Marry, as I can, and will, in my larger Papers, proye; but to inſiſt upon this

matter now ſo fully as I ought to do, would ſpin out my Diſcourſe to too great a length; therefore I paſs on in the ſecond place to obſerve, that this Rule of the Lawyers, that all doubtful things are to be interpreted in the moſt favourable ſenſe, though it ſhould be applied to the Caſe of *Couſin Germans*, yet it would do it no good; for where a private and a publick Intereſt interfere with one another, that is always to be interpreted the moſt favourable Senſe, which is moſt favourable to the Intereſt of the Publick, it being very unreaſonable, that any private Member of a Commonwealth ſhould live upon the Spoils, and by the Dammage of it, as it hath been demonſtrated, that it would be in this Caſe, not only in its ſelf, but likewiſe in its example.

Again, becauſe it may be objected, that the Dammage accruing to the publick, not being much, diſcernable nor, from the Marriage of *Couſin Germans*, it would be unreaſonable to call ſuch Marriages in queſtion, when the Dammage is ſo little of letting them alone; and the Inconvenieney that would happen from diſturbing them, would be ſo great; to this I anſwer: Firſt, that we cannot eaſily compute what Detriment hath already been ſuſtained by the Mar-

Marriages of *Couſin Germans*, unleſs we would tell where they would have Married, had they not Married one another, nor conſequently what Friendſhips might have been made, nor what Quarrels prevented or reconciled; only of this in General, we are certain, that the odds is great as to point of publick Intereſt, and for the Promoting of Friendſhip and Intereſt among men, between the Marriage of *Couſin Germans*, and thoſe that are at a further diſtance from one another; and if you ſhall conſider with your ſelf what a mighty influence the Diſcontent or Animoſity of one ſingle man may ſometimes have upon the publick Peace; certainly no means ought to be neglected, by which ſo many Quarrels may be prevented, ſo many Friendſhips made, and ſo many Piques and Enmities reconciled.

Secondly, we are not ſo much to conſider what real Inconveniency hath actually happened, as what would happen, if the Marriage of *Couſin Germans* were univerſally practiſed, by dividing Mankind into ſo many petty Societies and independent Cabals, as a man for robbing upon the Highway is apprehended and hanged, not becauſe he himſelf hath done ſo great a Dammage to the Publick, but becauſe if this were u-

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niverſally practiſed and permitted, we ſhould be actually in a ſtate of War, and there would be no face of a Commonwealth any longer; and the ſame reaſon holds in Proportion in *Couſin Germans*, if it be true, as I have ſaid, that the univerſal practiſe of it would deſtroy the State; and therefore it ought not to be allowed in a particular inſtance, though it had not been forbidden by the Law of God, as it is manifeſt it is.

But for thoſe Marriages of this Nature that are already conſummated by the *Copula Carnalis*, I am ſo far from diſturbing them, that I wiſh them all much joy with all my heart, and I ſhould never count it a Diſparagement, but an Honour, if they were otherwiſe vertuous and good People, to be deſcended of ſuch Parents; for they proceeded upon the beſt grounds they could, they did not underſtand the inconveniency that ſuch Marriages bring to the Publick; and they had the Concurrence of many great Lawyers and Divines for what they did, ſo that upon all accounts they are excuſed, they ought to perſiſt in what they have done for the very ſame Reaſon for which, if they had been further informed, they ſhould have avoided it before; and

what

what they have done, is ſo far from having any thing of heinous in it, that it is not ſo much as an object of Repentance; and ſo as I have ſaid already, I wiſh them all with all the Reaſon and Juſtice in the World, much Joy and Comfort in their Conjugal Embraces, neither ought it to derive any Envy upon me, that I have thus elaborately made it my Endeavour to hinder all ſuch Matches for the Future; for if they be manifeſtly againſt the Intereſt of Mankind, no man ought to be diſpleaſed at me for doing that, which is of ſo manifeſt tendency to the Publick Good, and indeed ought rather to thank me, that I have thus adventured at a Critical and dangerous time to ſtemm the Torrent of Prejudice and received Opinion, of which there are but few men that would not have been afraid, and if beſides its being prohibited by the Laws of Nature, it be likewiſe forbidden by the Scripture it ſelf, certainly every man that hath not a mind to proclaim a War againſt Heaven, muſt at the ſame time of neceſſity be at peace with me.

But whatever the caſe of Private Perſons may be, I do allow, that it is a part of the natural Prerogative of Princes and Perſons nighly related to the Crown, to Marry

a *Couſin German*, and this I ſpeak without any Court Flattery or Paraſitical Deſign, as a thing following evidently from the Principles I have laid down, and of the Naturalneſs and Eaſineſs of the Conſequence I will make my Adverſaries themſelves the Judges.

For in the firſt place it is ſo much for the intereſt of the Publick, that the mind of a Prince ſhould not be diſcompoſed, and his Councells rendred by the diſturbance of his mind, leſs judicious and ſteady, it is ſo great a Prejudice to the Civil State, that the Paſſions of a Prince ſhould be enflamed beyond the Bounds of Diſcretion, that upon the ſame Principle of Publick Intereſt, it is allowable to him to Marry a *Couſin German*, for which it is forbidden to others; and this ſeems to have been the caſe of *Rehoboam*, who Married a *Couſin German*.

Another Reaſon which may make it not only lawful, but neceſſary for a Prince or any that have a probable Relation to the Crown, to be diſpenſed with, is for the peace and ſafety of Mankind, for the uniting of two great Intereſts together, which might otherwiſe be a mutual Nuſance and Detriment to each other; and this juſtifies the Marriage of his Highneſs the Prince of *Orange*,

Orange, with the moſt Illuſtrious Princeſs the Lady *Mary*, a Daughter of *England*, neither is this only my Opinion, but it is allowed likewiſe by *Hemingius* in his *Opuſcula*, and by *Zepperus* in his Excellent Treatiſe of the *Moſaic* Laws in the Caſe of *Maximilian* the Second, Emperour of *Germany*, who likewiſe took a *Couſin German* to Wife, at which, notwithſtanding the *Lutherans* do acknowledge it to be lawful, yet many were offended at it, as a thing of bad Example, and ſuch as afforded matter of Scandal to the Adverſaries of Religion, and to the weak Religioniſts themſelves, from which caſe of *Maximilians*, the Inference is eaſie, that if the *Lutherans* were offended at it, notwithſtanding they did acknowledge it to be barely lawful; then much leſs ought it to be allowed in any private Perſon, where it can be proved ſo plainly to be prohibited and unlawful; and ſo much for this time. I deſire you ſeriouſly to conſider of what I have written, and to expect what remains with Patience, as well as to judge of this with Ingenuity and Candor.

I am,

Sir, Yours.

FINIS.

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